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COMMITTEE ON THE RIGHTS OF THE CHILD

Third session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 69th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 January 1993, at 3 p.m.

Chairman: Mr. KOLOSOV

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* The summary record of the second part (closed) of the meeting appears as document CRC/C/SR.69/Add.1.

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 11) (continued)

INITIAL REPORT OF THE SUDAN (CRC/C/3/Add.3, CRC/C/3/WP.3)

1. At the invitation of the Chairman, the delegation of the Sudan, consisting of Mr. Abdelhalim, Mr. Gubartalla and Mr. Elkarib, took seats at the Committee table.

2. Mr. ABDELHALIM (Sudan) said that he was a lecturer at the University of Juba and a member of the National Council where he dealt with questions concerning children and human rights, and that among other posts he had held that of Vice-Minister for Youth. He was glad to note that the Sudan had been one of the earliest signatories of the Convention on the Rights of the Child. He expressed the hope that dialogue with the Committee would be useful and constructive and would help the Sudan to overcome the obstacles still impeding the full and complete implementation of the provisions of the Convention.

3. The Sudan, which was one of the least developed countries, was having to contend with numerous difficulties inherited from colonization or caused by drought and by the civil war which was raging in the south of the country. If the Sudan was not managing to fulfil all the obligations arising from the Convention, it was then not because it did not care about children or lacked political will. Far from seeking to shirk its responsibilities, the Sudan was in fact fully aware that, in order to cope with such exceptional difficulties, equally exceptional efforts were needed.

4. The CHAIRMAN invited the Sudanese delegation to reply to the Committee's written questions 1 to 11 concerning the general measures of implementation of the Convention (CRC/C/3/WP.3), which read as follows:

I. Initial part of the report

1. Have any efforts been made to update the information contained in the section of the report concerning land and population, collected during a 1983 census, and is it intended to present this information in the future in a disaggregated form by gender and other important variables?

2. What is the general legal framework for the protection of human rights?

3. Please explain how information on human rights in general is disseminated and publicized.

General measures of implementation

(articles 4, 42 and 44, paragraph 6, of the Convention)

4. What place is given to the Convention in internal law and can the provisions of the Convention be invoked before the courts?

5. With reference to the information contained in paragraph 4 of the report, please indicate what steps have been taken to harmonize Sudanese legislation with the provisions of the Convention.

6. Please indicate whether the members of the National Council for Childhood have been elected, and provide information on its administrative structure.

7. Please indicate what measures have been taken to make the principles and provisions of the Convention widely known to both adults and children.

8. Please provide further details of the process of preparing the report, in particular with regard to popular participation.

9. What concrete measures have been taken or are foreseen to make the report widely available to the public at large?

10. Please provide more information about the implementation of article 4 of the Convention in regard to the allocation "to the maximum extent of ... available resources" for the rights of the child. What proportion of the national budget is devoted to social expenditures (including health and education) for children?

11. To what extent is international cooperation designed so as to enhance the implementation of the Convention?

5. Mr. ABDELHALIM (Sudan) stressed from the outset that if his replies were incomplete, it was because the Sudan did not possess sufficient statistical data concerning children. In reply to question 1, he explained that the information contained in the report was drawn not only from the 1983 census but also from more recent surveys on such subjects as health (1989/1990), the economically active population (survey carried out in 1991/1992 in cooperation with UNFPA and ILO), the informal sector, poverty and displaced persons. The next population census would take place in March and April 1993. The questions that would be put to the population on that occasion would make it possible to calculate a certain number of social indicators and to break down the information obtained in accordance with various criteria (gender, urban/rural, nomadic/sedentary, etc.). A survey on children's health was currently in progress and should be completed by the end of the year. It was being carried out in cooperation with a number of organizations, notably UNFPA, the League of Arab States and UNICEF. Lastly, it was planned to carry out in the coming years a number of surveys relating in particular to employment, agriculture, housing, water conditioning, women in industry and displaced persons.

6. In reply to question 2, he explained that the legal framework for the protection of human rights consisted of decrees, laws, regulations and international and regional human rights instruments. All the international instruments ratified by the Sudan had been incorporated into internal law by means of legislation. Moreover, any violation of the rights set out in those instruments was punishable under criminal law. Under its first decree issued in 1989, the National Council had suspended the 1985 Constitution but had ensured the continuity of all the legislation in force and of all the

non-political bodies existing before the promulgation of that decree, in particular the judiciary (which, through its independence and impartiality, guaranteed the exercise of human rights), the Procurator-General's office and the Lawyers' Association.

7. In reply to question 3, he said that all the national laws, and all the international or regional instruments ratified by the Sudan and incorporated into its internal law, were published in the Official Gazette. Apart from the media, such bodies as the Lawyers' Association, trade unions and non-governmental organizations organized conferences and seminars in order to promote knowledge of human rights.

8. In reply to question 4, he explained that since the Convention on the Rights of the Child had been incorporated into the internal law of the country, its provisions could be invoked before the courts.

9. In reply to question 5, he explained that since the Convention on the Rights of the Child had been incorporated into the internal law of the Sudan, in the event of conflict with the provisions of earlier laws, the provisions of the Convention applied.

10. Turning to question 6, he wished the Committee to explain what it meant by "elected". Who could elect the members of the National Council for Childhood? In any case, there was nothing in the Convention on the Rights of the Child concerning elections to such a body.

11. Mr. HAMMARBERG said that the question was in fact how the members of the National Council for Childhood had been designated, who they were and whether they had been able to begin their work.

12. Mr. ABDELHALIM (Sudan) said that the National Council for Childhood was presided over by the Head of State and its membership included the Minister for Social Affairs and Development (Vice-President), the Minister of Health, the Minister of Education, the Minister of Finance and Planning, the President of the Sudanese Council of Voluntary Associations, the President of the Sudanese Red Cross, the President of the Union of Sudanese Women and two experts. The National Council for Childhood was composed of a technical advisory committee and a secretariat. The committee, which was chaired by a woman, consisted of a number of representatives of ministries, departments, voluntary associations and organizations concerned with questions relating to children, as well as a number of experts. As for the secretariat, it comprised various offices responsible among other things for planning, research, documentation, training and public relations, an executive board and a financial and administrative service.

13. In reply to question 7, he explained that the Sudan had not waited for its ratification of the Convention on the Rights of the Child before making the principles and provisions of that instrument known. In fact, throughout the preparatory phase from 1979 to 1989, the Sudan had taken numerous measures to make the various drafts of the Convention known. A symposium, organized in cooperation with the Ministry for Social Affairs and Development and UNICEF, had been held from 4 to 7 March 1989. It had been attended by a number of experts and persons concerned as well as representatives of voluntary associations, jurists and university teachers, among others. The purpose of

that meeting had been to examine the articles of the Convention, comparing them with the national legislative provisions and practice in the Sudan, with a view to their effective application in the country. The participants had thus examined the rights of the child in the Sudan, the position of minors in Sudanese law, the role of the various ministries and voluntary associations in matters concerning childhood (education, problems facing certain categories of children, position of disabled, refugee or displaced children, the family system and its consequences for the physical and mental development of children). The participants had adopted a declaration setting out the objectives to be achieved in order to ensure the observance of the rights of the child and had appealed to the belligerent parties to establish security corridors or "tranquillity corridors" to permit access to children in areas of conflict. In that appeal, the participants had stressed that children should be considered as neutral persons whose rights had to be respected and had invited international organizations and the regional organizations to increase their efforts to meet the needs of children, wherever they might be. After ratifying the Convention on the Rights of the Child, the Sudan had organized in September 1990 a second symposium, similar to the first, focusing on the situation and future of children in the Sudan. The participants had adopted a recommendation for the setting up of a National Council for Childhood. They had also laid stress on the situation of children in difficulty, particularly those living in areas of conflict. They had invited the belligerent parties to maintain the "tranquillity corridors" set up in the south of the country and had requested the Government to give more attention to disabled children, displaced children and street children, who were a recent phenomenon that had emerged following the displacement of populations as a result of drought, desertification and war. Several participants in the two symposia had subsequently given talks and taken part in radio and television programmes. Children's programmes on radio and television had publicized the articles and principles of the Convention and a number of organizations such as the Scout Movement had played a role in that connection. Furthermore, the National Council of Non-Governmental Organizations had held a seminar to enable those organizations to determine their respective roles in the implementation of the provisions of the Convention on the Rights of the Child. On the proposal of the National Council for Childhood, 1 October has been proclaimed as the day for commemorating the ratification of the Convention and Sudanese children's day. A further opportunity had thus been provided to make the principles and provisions of the Convention better known. Those efforts, however, were not enough. The Convention still had to be incorporated into school curricula.

14. With regard to question 8, it was to be noted that all those who had participated in drawing up the Plan of Action for children had contributed to the preparation of the initial report of the Sudan (CRC/C/3/Add.3). A committee had been set up for that purpose. Its membership had included representatives of the Ministry of Social Affairs, the Ministry of Health and the Ministry of Education, the Supreme Council for National Resources, the National Council of Non-Governmental Organizations and a jurist. UNICEF had acted as a consultant for the technical aspects. That committee had requested the various sectors dealing with children to prepare sectoral reports containing information on their areas of activity. It had then examined that information in order to be able to prepare the report submitted to the Committee.

15. In reply to question 9, he stated that the National Council for Childhood had decided to publish the initial report of the Sudan on the measures taken to give effect to the rights recognized by the Convention, adding thereto the observations formulated by the members of the Committee during its examination. The Sudanese authorities wished thereby to demonstrate the importance they attached to the work of the Committee and considered that the observations of the members of the Committee would help them better to protect the rights of the child.

16. In reply to question 10, he explained that it was difficult to determine the proportion of the national budget devoted to social expenditure. In order to do so, it would be necessary to examine both the State budget and the development budget at four levels: the national level (the Sudan was a federal State), at the level of the provinces, at the level of the localities and at the level of the additional efforts corresponding to grass-roots participation or to regional and international cooperation. It was difficult in particular to ascertain the appropriations for social expenditure at the local level. To give one example, the share of the national budget devoted to social expenditure was 20.2 per cent for 1989-1990 and it had been estimated that it would amount to 28 per cent for 1990-1991 and 31.6 per cent for 1991-1992. It was to be noted that greater financial powers had recently been vested in the State, which would now retain the proceeds of a number of national taxes collected by it and formerly transferred to the central budget. The Sudan had also taken a number of measures to reduce the social costs of economic adjustments. In particular, a special fund had been set up for that purpose. The budget for that fund amounted to 4,900 million Sudanese pounds in 1993; in 1992 it had amounted to slightly over 3,000 million Sudanese pounds. The fund's resources and those furnished by the Zakat Administration were used mainly to assist poor families. The public authorities paid an allowance of 600 Sudanese pounds to 500,000 poor families that did not come under the social welfare system of the civil service or the private sector. That amount was revised at the same time as the salary scale. Resources were increasingly allocated to a project to assist productive families. The purpose of the project was to give poor families the means of production so that they could overcome poverty and contribute to production and development, thereby preserving their dignity, which was most important. The question of the proportion of the national budget devoted to social expenditure would have to be reconsidered in greater detail when the Sudan had improved its statistics services and its capacity for planning and organizing grass-roots participation. It would then be easier to see whether there had been any progress or decline.

17. In reply to question 11, he explained that it was difficult to plan international cooperation in a changing world. It was possible to do so with very well established international organizations, in particular United Nations organs and certain regional organizations, subject to their obtaining the necessary resources. The financial difficulties facing many United Nations bodies and regional organizations were well known. The cooperation extended by UNICEF, the World Food Programme, UNFPA, WHO and UNESCO was directed essentially towards children. The operation "Lifeline in Sudan", which had for some time experienced delays, had now been resumed following the agreement concluded on 5 December at Nairobi between the United Nations, the Sudanese Government and the rebel factions. That operation had chiefly made it possible to channel assistance to the

populations of southern Sudan, in particular in the areas where there was armed conflict. The activities conducted in the context of that operation by some of the better known NGOs, such as "Save the Children" of Sweden and the United Kingdom, "CARE" and a few others, had undoubtedly made a big contribution to the implementation of the Convention on the Rights of the Child. However, some NGOs had attempted to use humanitarian aid as a political lever. Relations between the Sudanese authorities and the NGOs had sometimes been stormy. Fortunately, there had been changes in recent months but they had not yet borne fruit.

18. The CHAIRMAN invited the members of the Committee to ask the Sudanese delegation oral questions in connection with the first series of written questions and the corresponding part of the report.

19. Mrs. SANTOS PAIS welcomed the Sudanese delegation's interest in dialogue with the Committee and in the assistance and advice that the Committee could give to the Sudanese Government regarding the implementation of the Convention. She shared the hope expressed by the Sudanese delegation that the Convention would be incorporated into school curricula.

20. The Committee needed to know where the Convention stood in the hierarchy of norms in force in the Sudan. The Sudanese delegation had indicated that the Convention was to be considered to be on a par with Sudanese national legislation. It had also been stated that the provisions of a law always prevailed over those of earlier legislation. Could it be concluded that the Convention should prevail over the pre-existing national legislation applicable in the Sudan with regard to the rights of children? As for the laws adopted in 1970, mentioned in the report, were they still in force? Then again, if any legislation was adopted later by the Sudan with respect to the rights of children, would it override the Convention?

21. Reference had been made to the independence and impartiality of the judiciary. Could the Sudanese delegation say who appointed juvenile magistrates? What specific training were they required to have? Were they answerable to the executive? Were they appointed for a limited period of time? Could they be removed from office and what generally was their status?

22. Apparently several languages were spoken in the Sudan. Had the Convention been translated into the various local languages? That would be a basic way of making the instrument more widely known.

23. Mr. HAMMARBERG welcomed the announcement that the Sudan would be publishing its initial report in the country, together with the summary records of the meetings of the Committee at which it had been considered. That was a good way of informing the widest possible public of the report and the reactions it had inspired. He welcomed also the efforts made by the authorities to cooperate with professional groups in the Sudan. Those groups should play an important role in the implementation of the Convention. It would however be useful to have more information about the machinery envisaged for that purpose.

24. The Committee was aware of the problems connected with the civil war in some parts of the country, the problems of communication and the cultural gap

between the north and south of the country, but it wished to go further with the Sudanese delegation into the question of the application of the Shariah in the context of the implementation of the Convention.

25. He considered it desirable to clarify the situation regarding the relations between the Sudanese authorities and the NGOs. It was most regrettable that disagreements between the authorities and the NGOs should prevent assistance from reaching children and lead to pointless deaths. Each of the parties concerned should ask itself whether it had done all it could to avoid such a situation. As a result of crises and conflicts between the authorities and the NGOs, certain organizations had had to leave the country. Some had apparently taken advantage of their situation in the country by distributing Bibles for example, which had probably given great offence to the authorities and to some sections of the population. However, other organizations had felt that they had not been properly understood and that they could have been allowed to continue their work. Moreover, some organizations that had not been asked to leave the country had been deprived of some of the practical possibilities for working through administrative harassment and the confiscation of their vehicles, which had created a poor climate for cooperation between the parties. According to some reports, the considerable efforts to help children made by United Nations bodies and particularly UNICEF within the framework of the operation "Lifeline in Sudan" had been hampered at certain periods. There was a need to make an honest examination of what had happened - dismissing any idea of prestige - in order to avoid a repetition of that situation. Perhaps the Committee or other international entities could act as mediator or undertake a study to assess the problem. Certain NGOs were undoubtedly not blameless but some of the fault also seemed to lie with the Sudanese authorities.

26. Mrs. BADRAN expressed satisfaction at the various positive aspects mentioned by the representative of the Sudan, in particular the holding of symposia on the Convention and the preparation by the National Council for Childhood of a Plan of Action on Children.

27. The representative of the Sudan had referred to a study on poverty in the Sudan. What was the percentage of families living in poverty? It was true that considerable funds had been allocated, but were they sufficient to meet the basic needs of the children in such families? She also wished to know whether the Sudan had been able to take advantage of the plan for the rescheduling of its debt in order to carry out programmes for children.

28. The report stated that 13 per cent of heads of family were women. Was that figure not an underestimate, bearing in mind the high rate of immigration into Khartoum and the problems connected with the civil war, the lack of information and the inadequate computer facilities? Were there any special programmes to meet the economic and social needs of families headed by women, which were generally poor?

29. The report mentioned a number of objectives to be achieved by the year 2000 concerning the reduction of infant mortality rates, the number of deaths of women in childbirth and the illiteracy rate. Were those objectives realistic, and how did the authorities expect to achieve them?

30. Mr. MOMBESHORA noted that laws, and international instruments that had been ratified were published in the Official Gazette. In his experience, when information was put out in that way it reached only a very limited public, mostly in urban areas. Was the Official Gazette published in one single language? If so, only a small part of the population could read it. If such media as the press and radio were used, a wider public could be reached.

31. He wished to have further information about the establishment of security corridors and days of peace in the Sudan. Those questions had been broached at the last Summit for Children because of the awareness that in areas of conflict it was women and children who suffered most. How often and for how long were security corridors established in the Sudan? At what dates had the most recent ones been established?

32. Mr. GOMES DA COSTA noted the efforts made by the Sudanese Government to make the Convention on the Rights of the Child known in its country but wished to know whether NGOs participated in the activities of the National Committee for Childhood. He also wished to know what concrete results had been produced by the implementation of the Convention on the Rights of the Child for children in the Sudan. Lastly, he requested information on the training of Sudanese officials, in particular judges and magistrates who were entrusted with the administration of justice for minors, health personnel, teachers and members of the police.

33. Mgr. BAMBAREN GASTELUMENDI noted with satisfaction the efforts made by the Sudan to implement the Convention on the Rights of the Child, in view of all the serious problems facing that country. He asked whether the Minors Code reproduced the provisions of the articles of the Convention on the Rights of the Child. He also wished to know the social cost of the foreign debt and its repercussions on programmes for children. Apart from the war, what were the obstacles to the implementation of the Convention? He pointed out that the various efforts made by the Sudanese authorities were directed chiefly at the urban areas; he therefore wished to know what was being done in rural areas, which were so numerous and so important in the Sudan. Lastly, he asked whether the armed groups respected the "tranquillity corridors" intended for the protection of children.

34. Mrs. SANTOS PAIS asked the Sudanese delegation to be so good as to submit in writing the figures quoted in the replies to the questions, in order to facilitate dialogue and avoid undue waste of time.

35. The CHAIRMAN invited the Sudanese delegation to wait until the next day's meeting to reply to the remaining questions appearing in the list of issues to be taken up in connection with the consideration of the initial report of the Sudan (CRC/C/3/WP.3) as well as to any oral questions from members of the Committee.

36. The Sudanese delegation withdrew.

The first part (public) of the meeting rose at 5.20 p.m.